

AMENDED IN ASSEMBLY JULY 9, 1997

AMENDED IN ASSEMBLY JUNE 23, 1997

AMENDED IN SENATE MAY 15, 1997

**SENATE BILL**

**No. 1346**

---

**Introduced by Committee on Business and Professions  
(Senators Polanco (Chair), Ayala, Craven, Greene,  
Johannessen, Kelley, Lee, O'Connell, and Rosenthal)**

March 18, 1997

---

An act to amend Sections 101, 485, 486, 489, 810, 2499.5, 2530.2, 2530.5, 2530.6, 2531, 2531.05, 2531.1, 2531.2, 2531.3, 2531.4, 2531.6, 2531.7, 2531.8, 2531.9, 2531.95, 2532.1, 2532.2, 2532.4, 2533.4, 2534, 2534.1, 2534.2, 2535, 2535.2, 2535.4, 2536, 2539, 2760.1, 2902, 2928, 2929, 2933, 2940, 2941, 2948, 2971, 2980, 2984, 3325, 3328, 3362, 3401, 5029, 5107, 7330, 7335, 7337, 7340, 7404, 7414, 7415, 7417, 7423, and 7860 of, to add Sections 144 and 2531.75 to, to repeal and add Section 2531.5 of, and to repeal Sections 6529, 6548, 6560, 6625, 6630, 6632, 6633, 6634, 6635, 6635.2, 6636, 7302, 7311, 7312, 7314, 7314.1, 7314.2, 7320, 7322, 7373, 7384, 7390, 7391, 7392, 7393, 7394, 7395, 7412, 7420, 7427, 7431, 7436, 7437, 7437.3, and 7444 of, the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1346, as amended, Committee on Business and Professions. Professions and vocations.

Existing law provides for the licensure, regulation, and discipline of various professions and vocations. These

provisions are administered by boards and examining committees established within the Department of Consumer Affairs.

This bill would revise certain provisions relating to the denial of an application for a license for the various professions and vocations. The bill would revise provisions regarding the expiration of apprentice licenses, requirements of an applicant for admission to examination, administration and grading of examinations, grounds for disciplinary action, and renewal of licenses, and repeal obsolete and duplicative provisions, relating to the regulation of barbers and cosmetologists. The bill would revise the grounds for discipline of geologists and geophysicists, revise the provisions relating to examination and licensure of podiatrists, and delete obsolete references in the psychology licensing law to the Division of Allied Health Professions of the Medical Board. This bill would also revise provisions relating to petitions for reinstatement of the license of a registered nurse after revocation.

This bill would change the name of the Speech-Language Pathology and Audiology Examining Committee to the Speech-Language Pathology and Audiology Board, and would authorize that board to appoint an executive officer. The bill would eliminate a 30-day grace period for payment of renewal fees for speech-language pathologists and audiologists. This bill would also authorize that board, rather than the Medical Board of California, to administer the provisions relating to discipline of speech-language pathologists and audiologists.

This bill would require certain boards and committees to require applicants to submit fingerprints in order to conduct criminal history record checks and authorize those boards and committees to obtain criminal history information from the state and federal governments.

This bill would revise requirements for notice of meetings of the Hearing Aid Dispensers Examining Committee, change requirements for licensees to notify the committee of locations of places of business and mailing addresses, and change the grounds for discipline of licensed hearing aid dispensers.



This bill would make additional technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 101 of the Business and  
2 Professions Code is amended to read:  
3 101. The department is comprised of:  
4 (a) The Board of Dental Examiners of California.  
5 (b) The Medical Board of California.  
6 (c) The State Board of Optometry.  
7 (d) The California State Board of Pharmacy.  
8 (e) The Veterinary Medical Board.  
9 (f) The Board of Accountancy.  
10 (g) The California State Board of Architectural  
11 Examiners.  
12 (h) The State Board of Barbering and Cosmetology.  
13 (i) The State Board of Registration for Professional  
14 Engineers and Land Surveyors.  
15 (j) The Contractors' State License Board.  
16 (k) The State Board of Funeral Directors and  
17 Embalmers.  
18 (l) The Structural Pest Control Board.  
19 (m) The Bureau of Home Furnishings and Thermal  
20 Insulation.  
21 (n) The Board of Registered Nursing.  
22 (o) The Board of Behavioral Science Examiners.  
23 (p) The State Athletic Commission.  
24 (q) The Cemetery Board.  
25 (r) The State Board of Guide Dogs for the Blind.  
26 (s) The Bureau of Security and Investigative Services.  
27 (t) The Court Reporters Board of California.  
28 (u) The Board of Vocational Nurse and Psychiatric  
29 Technician Examiners of the State of California.  
30 (v) The California State Board of Landscape  
31 Architects.  
32 (w) The Bureau of Electronic and Appliance Repair.  
33 (x) The Division of Investigation.

- 1 (y) The Bureau of Automotive Repair.  
2 (z) The State Board of Registration for Geologists and  
3 Geophysicists.  
4 (aa) The State Board of Nursing Home  
5 Administrators.  
6 (ab) The Respiratory Care Examining Committee.  
7 (ac) The Acupuncture Examining Committee.  
8 (ad) The Board of Psychology.  
9 (ae) The California Board of Podiatric Medicine.  
10 (af) The Physical Therapy Board.  
11 (ag) The Arbitration Review Program.  
12 (ah) The Committee on Dental Auxiliaries.  
13 (ai) The Hearing Aid Dispensers Examining  
14 Committee.  
15 (aj) The Physician Assistant Examining Committee.  
16 (ak) The Speech-Language Pathology and Audiology  
17 Board.  
18 (al) The Tax Preparers Program.  
19 (am) Any other boards, offices, or officers subject to its  
20 jurisdiction by law.  
21 SEC. 2. Section 144 is added to the Business and  
22 Professions Code, to read:  
23 144. (a) Notwithstanding any other provision of law,  
24 an agency designated in subdivision (b) shall require an  
25 applicant to furnish to the agency a full set of fingerprints  
26 for purposes of conducting criminal history record  
27 checks. Any agency designated in subdivision (b) may  
28 obtain and receive, at its discretion, criminal history  
29 information from the Department of Justice and the  
30 United States Federal Bureau of Investigation.  
31 (b) Subdivision (a) applies to the following boards or  
32 committees:  
33 (1) Board of Accountancy.  
34 (2) State Athletic Commission.  
35 (3) Board of Behavioral Sciences.  
36 (4) Court Reporters Board of California.  
37 (5) State Board of Guide Dogs for the Blind.  
38 (6) California State Board of Pharmacy.  
39 (7) Board of Registered Nursing.  
40 (8) Veterinary Medical Board.

(9) Registered Veterinary Technician Examining Committee.

(10) Board of Vocational Nurse and Psychiatric Technician Examiners.

(11) Respiratory Care Board.

(12) Hearing Aid Dispensers Examining Committee.

(13) Physical Therapy Board of California.

(14) Physician Assistant Examining Committee.

(15) Speech-Language Pathology and Audiology Examining Committee.

(16) Medical Board of California.

(17) Board of Nursing Home Administrators.

(18) Board of Optometry.

(19) Acupuncture Committee.

(20) Cemetery and Funeral Programs.

(21) Bureau of Security and Investigative Services.

(22) Division of Investigation.

SEC. 2.3. Section 485 of the Business and Professions Code is amended to read:

485. Upon denial of an application for a license under this chapter or Section 496, the board shall do either of the following:

(a) File and serve a statement of issues in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Notify the applicant that the application is denied, stating (1) the reason for the denial, and (2) that the applicant has the right to a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if written request for hearing is made within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, the applicant's right to a hearing is deemed waived.

Service of the notice of denial may be made in the manner authorized for service of summons in civil actions, or by registered mail addressed to the applicant at the latest address filed by the applicant in writing with the board in his or her application or otherwise. Service by mail is complete on the date of mailing.

1 SEC. 2.4. Section 486 of the Business and Professions  
2 Code is amended to read:

3 486. Where the board has denied an application for a  
4 license under this chapter or Section 496, it shall, in its  
5 decision, or in its notice under subdivision (b) of Section  
6 485, inform the applicant of the following:

7 (a) The earliest date on which the applicant may  
8 reapply for a license which shall be one year from the  
9 effective date of the decision, or service of the notice  
10 under subdivision (b) of Section 485, unless the board  
11 prescribes an earlier date or a later date is prescribed by  
12 another statute.

13 (b) That all competent evidence of rehabilitation  
14 presented will be considered upon a reapplication.

15 Along with the decision, or the notice under  
16 subdivision (b) of Section 485, the board shall serve a copy  
17 of the criteria relating to rehabilitation formulated under  
18 Section 482.

19 SEC. 2.5. Section 489 of the Business and Professions  
20 Code is amended to read:

21 489. Any agency in the department which is  
22 authorized by law to deny an application for a license  
23 upon the grounds specified in Section 480 or 496, may  
24 without a hearing deny an application upon any of those  
25 grounds, if within one year previously, and after  
26 proceedings conducted in accordance with Chapter 5  
27 (commencing with Section 11500) of Part 1 of Division 3  
28 of Title 2 of the Government Code, that agency has  
29 denied an application from the same applicant upon the  
30 same ground.

31 SEC. 2.6. Section 810 of the Business and Professions  
32 Code is amended to read:

33 810. (a) It shall constitute unprofessional conduct  
34 and grounds for disciplinary action, including suspension  
35 or revocation of a license or certificate, for a health care  
36 professional to do any of the following in connection with  
37 his or her professional activities:

38 (1) Knowingly present or cause to be presented any  
39 false or fraudulent claim for the payment of a loss under  
40 a contract of insurance.

(2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

(b) It shall constitute cause for revocation or suspension of a license or certificate for a health care professional to engage in any conduct prohibited under Section 1871.4 of the Insurance Code or Section 550 of the Penal Code.

(c) As used in this section, health care professional means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act.

SEC. 3. Section 2499.5 of the Business and Professions Code is amended to read:

2499.5. The following fees apply to certificates to practice podiatric medicine. The amount of fees prescribed for doctors of podiatric medicine shall be those set forth in this section unless a lower fee is established by the board in accordance with Section 2499.6. Fees collected pursuant to this section shall be fixed by the board in amounts not to exceed the actual costs of providing the service for which the fee is collected.

(a) Each applicant for a certificate to practice podiatric medicine shall pay an application fee of twenty dollars (\$20) at the time the application is filed. If the applicant qualifies for a certificate, he or she shall pay a fee which shall be fixed by the board at an amount not to exceed one hundred dollars (\$100) nor less than five dollars (\$5) for the issuance of the certificate.

(b) The oral examination fee shall be seven hundred dollars (\$700), or the actual cost, whichever is lower, and shall be paid by each applicant. If the applicant's credentials are insufficient or if the applicant does not desire to take the examination, and has so notified the board 30 days prior to the examination date, only the examination fee is returnable to the applicant. The board may charge an examination fee for any subsequent reexamination of the applicant.

1 (c) Each applicant who qualifies for a certificate, as a  
2 condition precedent to its issuance, in addition to other  
3 fees required by this section, shall pay an initial license  
4 fee. The initial license fee shall be eight hundred dollars  
5 (\$800). The initial license shall expire the second year  
6 after its issuance on the last day of the month of birth of  
7 the licensee. The board may reduce the initial license fee  
8 by up to 50 percent of the amount of the fee for any  
9 applicant who is enrolled in a postgraduate training  
10 program approved by the board or who has completed a  
11 postgraduate training program approved by the board  
12 within six months prior to the payment of the initial  
13 license fee.

14 (d) The biennial renewal fee shall be eight hundred  
15 dollars (\$800). Any licensee enrolled in an approved  
16 residency program shall be required to pay only 50  
17 percent of the biennial renewal fee at the time of his or  
18 her first renewal.

19 (e) The delinquency fee is one hundred fifty dollars  
20 (\$150).

21 (f) The duplicate wall certificate fee is forty dollars  
22 (\$40).

23 (g) The duplicate renewal receipt fee is forty dollars  
24 (\$40).

25 (h) The endorsement fee is thirty dollars (\$30).

26 (i) The letter of good standing fee or for loan  
27 deferment is thirty dollars (\$30).

28 (j) There shall be a fee of sixty dollars (\$60) for the  
29 issuance of a limited license under Section 2475.

30 (k) The application fee for certification under Section  
31 2473 shall be fifty dollars (\$50). The examination and  
32 reexamination fee for this certification shall be seven  
33 hundred dollars (\$700).

34 (l) The filing fee to appeal the failure of an oral  
35 examination shall be twenty-five dollars (\$25).

36 (m) The fee for approval of a continuing education  
37 course or program shall be one hundred dollars (\$100).

38 SEC. 4. Section 2530.2 of the Business and Professions  
39 Code is amended to read:



1 2530.2. As used in this chapter, unless the context  
2 otherwise requires:

3 (a) “Board” means the Speech-Language Pathology  
4 and Audiology Board.

5 (b) “Person” means any individual, partnership,  
6 corporation, limited liability company, or other  
7 organization or combination thereof, except that only  
8 individuals can be licensed under this chapter.

9 (c) A “speech-language pathologist” is a person who  
10 practices speech-language pathology.

11 (d) “The practice of speech-language pathology”  
12 means the application of principles, methods, and  
13 procedures for measurement, testing, identification,  
14 prediction, counseling, or instruction related to the  
15 development and disorders of speech, voice, or language  
16 for the purpose of identifying, preventing, managing,  
17 habilitating or rehabilitating, ameliorating, or modifying  
18 those disorders and conditions in individuals or groups of  
19 individuals; conducting hearing screenings; and the  
20 planning, directing, conducting and supervision of  
21 programs for identification, evaluation, habilitation, and  
22 rehabilitation of disorders of speech, voice, or language.

23 (e) “Speech-language pathology aide” means any  
24 person meeting the minimum requirements established  
25 by the board, who works directly under the supervision  
26 of a speech-language pathologist.

27 (f) An “audiologist” is one who practices audiology.

28 (g) “The practice of audiology” means the application  
29 of principles, methods, and procedures of measurement,  
30 testing, appraisal, prediction, consultation, counseling,  
31 instruction related to auditory, vestibular, and related  
32 functions and the modification of communicative  
33 disorders involving speech, language, auditory behavior  
34 or other aberrant behavior resulting from auditory  
35 dysfunction; and the planning, directing, conducting,  
36 supervising, or participating in programs of identification  
37 of auditory disorders, hearing conservation, aural  
38 habilitation, and rehabilitation, including, hearing aid  
39 recommendation and evaluation procedures including,  
40 but not limited to, specifying amplification requirements

1 and evaluation of the results thereof, auditory training,  
2 and speech reading.

3 (h) “Audiology aide” means any person, meeting the  
4 minimum requirements established by the board, who  
5 works directly under the supervision of an audiologist.

6 (i) A “hearing screening” performed by a  
7 speech-language pathologist means a binary puretone  
8 screening at a preset intensity level for the purpose of  
9 determining if the screened individuals are in need of  
10 further medical or audiological evaluation.

11 SEC. 5. Section 2530.5 of the Business and Professions  
12 Code is amended to read:

13 2530.5. (a) Nothing in this chapter shall be construed  
14 as restricting hearing testing conducted by licensed  
15 physicians and surgeons or by persons conducting  
16 hearing tests under the direct supervision of a physician  
17 and surgeon.

18 (b) Nothing in this chapter shall be construed to  
19 prevent a licensed hearing aid dispenser from engaging  
20 in testing of hearing and other practices and procedures  
21 used solely for the fitting and selling of hearing aids nor  
22 does this chapter restrict persons practicing their  
23 licensed profession and operating within the scope of  
24 their licensed profession or employed by someone  
25 operating within the scope of their licensed professions,  
26 including persons fitting and selling hearing aids who are  
27 properly licensed or registered under the laws of the  
28 State of California.

29 (c) Nothing in this chapter shall be construed as  
30 restricting or preventing the practice of speech-language  
31 pathology or audiology by personnel holding the  
32 appropriate credential from the Commission on Teacher  
33 Credentialing as long as the practice is conducted within  
34 the confines of or under the jurisdiction of a public  
35 preschool, elementary or secondary school by which they  
36 are employed and those persons do not either offer to  
37 render or render speech-language pathology or  
38 audiology services to the public for compensation over  
39 and above the salary they receive from the public

1 preschool elementary or secondary school by which they  
2 are employed for the performance of their official duties.

3 (d) Nothing in this chapter shall be construed as  
4 restricting the activities and services of a student or  
5 speech-language pathology intern in speech-language  
6 pathology pursuing a course of study leading to a degree  
7 in speech-language pathology at an accredited or  
8 approved college or university or an approved clinical  
9 training facility, provided that these activities and  
10 services constitute a part of his or her supervised course  
11 of study and that those persons are designated by the title  
12 as “speech-language pathology intern,”  
13 “speech-language pathology trainee,” or other title  
14 clearly indicating the training status appropriate to his or  
15 her level of training.

16 (e) Nothing in this chapter shall be construed as  
17 restricting the activities and services of a student or  
18 audiology intern in audiology pursuing a course of study  
19 leading to a degree in audiology at an accredited or  
20 approved college or university or an approved clinical  
21 training facility, provided that these activities and  
22 services constitute a part of his or her supervised course  
23 of study and that those persons are designated by the title  
24 as “audiology intern,” “audiology trainee,” or other title  
25 clearly indicating the training status appropriate to his or  
26 her level of training.

27 (f) Nothing in this chapter shall be construed as  
28 restricting the practice of an applicant who is obtaining  
29 the required professional experience specified in  
30 subdivision (d) of Section 2532.2 and whose required  
31 professional experience application has been approved  
32 by the board. The number of applicants who may be  
33 supervised by a licensed speech-language pathologist or  
34 a speech-language pathologist having qualifications  
35 deemed equivalent by the board shall be determined by  
36 the board. The supervising speech-language pathologist  
37 shall register with the board the name of each applicant  
38 working under his or her supervision, and shall submit to  
39 the board a description of the proposed professional  
40 responsibilities of the applicant working under his or her

1 supervision. The number of applicants who may be  
2 supervised by a licensed audiologist or an audiologist  
3 having qualifications deemed equivalent by the board  
4 shall be determined by the board. The supervising  
5 audiologist shall register with the board the name of each  
6 applicant working under his or her supervision, and shall  
7 submit to the board a description of the proposed  
8 professional responsibilities of the applicant working  
9 under his or her supervision. The board shall not give any  
10 credit for any required professional experience which is  
11 completed in violation of this section.

12 (g) Nothing in this chapter shall be construed as  
13 restricting hearing screening services in public or private  
14 elementary or secondary schools so long as these  
15 screening services are provided by persons registered as  
16 qualified school audiometrists pursuant to Sections 1685  
17 and 1686 of the Health and Safety Code or hearing  
18 screening services supported by the State Department of  
19 Health Services so long as these screening services are  
20 provided by appropriately trained or qualified personnel.

21 (h) Persons employed as speech-language pathologists  
22 or audiologists by a federal agency shall be exempt from  
23 this chapter.

24 (i) Nothing in this chapter shall be construed as  
25 restricting consultation or the instructional or  
26 supervisory activities of a faculty member of an approved  
27 or accredited college or university for the first 60 days  
28 following appointment after the effective date of this  
29 subdivision.

30 SEC. 6. Section 2530.6 of the Business and Professions  
31 Code is amended to read:

32 2530.6. Speech-language pathologists and audiologists  
33 supervising speech-language pathology or audiology  
34 aides shall register with the board the name of each aide  
35 working under their supervision. The number of aides  
36 who may be supervised by a licensee shall be determined  
37 by the board. The supervising audiologist or  
38 speech-language pathologist shall be responsible for the  
39 extent, kind, and quality of services performed by the



1 aide, consistent with the board's designated standards  
2 and requirements.

3 SEC. 7. Section 2531 of the Business and Professions  
4 Code is amended to read:

5 2531. There is hereby created a Speech-Language  
6 Pathology and Audiology Board under the jurisdiction of  
7 the Medical Board of California. The Speech-Language  
8 Pathology and Audiology Board shall consist of nine  
9 members, three of whom shall be public members. The  
10 Speech-Language Pathology and Audiology Board shall  
11 enforce and administer this chapter.

12 This section shall become inoperative on July 1, 1999,  
13 and, as of January 1, 2000, is repealed, unless a later  
14 enacted statute, which becomes effective on or before  
15 January 1, 2000, deletes or extends the dates on which it  
16 becomes inoperative and is repealed.

17 SEC. 8. Section 2531.05 of the Business and  
18 Professions Code is amended to read:

19 2531.05. The Hearing Aid Dispensers Examining  
20 Committee shall appoint one of its members to serve as  
21 liaison to the Speech-Language Pathology and Audiology  
22 Board for the purpose of coordinating the policies of the  
23 committee and board regarding the fitting or dispensing  
24 of hearing aids. The Speech-Language Pathology and  
25 Audiology Board shall notify the Hearing Aid Dispensers  
26 Examining Committee in advance of all board business  
27 concerning the fitting or dispensing of hearing aids to  
28 facilitate the participation of the liaison member.

29 SEC. 9. Section 2531.1 of the Business and Professions  
30 Code is amended to read:

31 2531.1. Each member of the board shall hold office for  
32 a term of four years, and shall serve until the appointment  
33 and qualification of his or her successor or until one year  
34 shall have elapsed since the expiration of the term for  
35 which he or she was appointed, whichever first occurs. No  
36 member may serve for more than two consecutive terms.

37 SEC. 10. Section 2531.2 of the Business and  
38 Professions Code is amended to read:

39 2531.2. The membership of the board shall include  
40 three licensed speech-language pathologists, three

1 licensed audiologists, and three public members one of  
2 whom is a licensed physician and surgeon, board certified  
3 in otolaryngology, and the remaining two public  
4 members who shall not be licentiates of the board or of  
5 any board under this division or of any board referred to  
6 in the Chiropractic Act or the Osteopathic Act.

7 The Governor shall appoint the physician and surgeon  
8 member and the other six licensed members qualified as  
9 provided in this section. The Senate Rules Committee  
10 and the Speaker of the Assembly shall each appoint a  
11 public member, and their initial appointment shall be  
12 made to fill, respectively, the first and second public  
13 member vacancies which occur on or after January 1,  
14 1983.

15 SEC. 11. Section 2531.3 of the Business and  
16 Professions Code is amended to read:

17 2531.3. The board shall examine every applicant for a  
18 speech-language pathology license or an audiology  
19 license at the time and place designated by the board in  
20 its discretion, but at least once in each year; and for that  
21 purpose may appoint qualified persons to give the whole  
22 or any portion of the examination, who shall be  
23 designated as commissioners on examination. A  
24 commissioner on examination need not be a member of  
25 the board, but shall be subject to the same rules and  
26 regulations and shall be entitled to the same fee as if he  
27 or she were a member of the board.

28 The board shall perform all examination functions,  
29 including but not limited to, participation in uniform  
30 examination systems.

31 SEC. 12. Section 2531.4 of the Business and  
32 Professions Code is amended to read:

33 2531.4. The board shall have full authority to  
34 investigate and to evaluate each and every applicant  
35 applying for a license to practice speech-language  
36 pathology or a license to practice audiology and to  
37 determine the admission of the applicant to the  
38 examination, if administered by the board, or to issue a  
39 license, in conformance with the provisions of, and  
40 qualifications required by, this chapter.



1 SEC. 13. Section 2531.5 of the Business and  
2 Professions Code is repealed.

3 SEC. 14. Section 2531.5 is added to the Business and  
4 Professions Code, to read:

5 2531.5. The board shall issue, suspend, and revoke  
6 licenses and approvals to practice speech-language  
7 pathology and audiology as authorized by this chapter.

8 SEC. 15. Section 2531.6 of the Business and  
9 Professions Code is amended to read:

10 2531.6. The Governor has power to remove from  
11 office any member of the board for neglect of any duty  
12 required by this chapter, for incompetency, or for  
13 unprofessional conduct.

14 SEC. 16. Section 2531.7 of the Business and  
15 Professions Code is amended to read:

16 2531.7. The board shall elect annually a chairperson  
17 and vice chairperson from among its members. The  
18 board shall hold at least one regular meeting each year.  
19 Additional meetings may be held upon call of the  
20 chairperson or at the written request of any two members  
21 of the board.

22 SEC. 17. Section 2531.75 is added to the Business and  
23 Professions Code, to read:

24 2531.75. The board may appoint a person exempt  
25 from civil service who shall be designated as an executive  
26 officer and who shall exercise the powers and perform the  
27 duties delegated by the board and vested in him or her by  
28 this chapter.

29 SEC. 18. Section 2531.8 of the Business and  
30 Professions Code is amended to read:

31 2531.8. Five members of the board shall at all times  
32 constitute a quorum.

33 SEC. 19. Section 2531.9 of the Business and  
34 Professions Code is amended to read:

35 2531.9. Each member of the board shall receive a per  
36 diem and expenses as provided in Section 103.

37 SEC. 20. Section 2531.95 of the Business and  
38 Professions Code is amended to read:

39 2531.95. The board shall from time to time adopt the  
40 regulations that may be necessary to effectuate this

chapter. In adopting regulations the board shall comply with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 21. Section 2532.1 of the Business and Professions Code is amended to read:

2532.1. (a) Each person desiring to obtain a license shall make application to the board, upon a form as prescribed by the board.

(b) A separate license shall be granted in both speech-language pathology and audiology. An applicant may be granted both licenses upon successful completion of the requirements for both licenses.

SEC. 22. Section 2532.2 of the Business and Professions Code is amended to read:

2532.2. To be eligible for licensure by the board as a speech-language pathologist or audiologist, the applicant shall possess all of the following qualifications:

(a) Possess at least a master's degree in speech-language pathology or audiology from an educational institution approved by the board or qualifications deemed equivalent by the board.

(b) Submit transcripts from an educational institution approved by the board evidencing the successful completion of at least 60 semester units of courses related to the normal development, function, and use of speech, hearing, and language; and courses that provide information about, and training in, the management of speech, hearing, and language disorders. At least 24 of the required 60 semester units shall be related to disorders of speech, voice, or language for speech-language pathology applicants or to disorders of hearing and the modification of communication disorders involving speech and language resulting from hearing disorders for audiology applicants. These 60 units do not include credit for thesis, dissertation, or clinical practice.

(c) Submit evidence of the satisfactory completion of supervised clinical practice with individuals representative of a wide spectrum of ages and communication disorders. The board shall establish by regulation the required number of clock hours, not to



1 exceed 300 clock hours, of supervised clinical practice  
2 necessary for the applicant.

3 The clinical practice shall be under the direction of an  
4 educational institution approved by the board.

5 (d) Submit evidence of no less than nine months of  
6 satisfactorily completed supervised professional full-time  
7 experience or 18 months of professional part-time  
8 experience obtained under the supervision of a licensed  
9 speech-language pathologist or audiologist or a  
10 speech-language pathologist or audiologist having  
11 qualifications deemed equivalent by the board. This  
12 experience shall be evaluated and approved by the board.  
13 Any experience to be obtained in a setting which is not  
14 exempt from the licensure requirements under Section  
15 2530.5 shall be approved in advance by the board. The  
16 required professional experience shall follow completion  
17 of the requirements listed in subdivisions (a), (b), and  
18 (c). Full-time is defined as at least nine months in a  
19 calendar year and a minimum of 30 hours per week.  
20 Part-time is defined as a minimum of 18 months and a  
21 minimum of 15 hours per week.

22 A speech-language pathologist or audiologist who holds  
23 a license from another state or territory of the United  
24 States or who holds equivalent qualifications and has  
25 made application to the board for a license in this state  
26 may practice speech-language pathology or audiology, as  
27 the case may be, without a valid license for a period not  
28 to exceed 150 days. With the approval of the board, such  
29 a speech-language pathologist or audiologist may be  
30 issued a license on completion of the requirements  
31 specified in subdivisions (a), (b), (c), and (e).

32 (e) Pass an examination or examinations approved by  
33 the board. The board shall determine the subject matter  
34 and scope of the examinations and may waive the  
35 examination upon evidence that the applicant has  
36 successfully completed an examination approved by the  
37 board. Written examinations may be supplemented by  
38 such oral examinations as the board shall determine. An  
39 applicant who fails his or her examination may be

1 reexamined at a subsequent examination upon payment  
2 of the reexamination fee required by this chapter.

3 SEC. 23. Section 2532.4 of the Business and  
4 Professions Code is amended to read:

5 2532.4. (a) The board may direct applicants to be  
6 examined for knowledge in whatever theoretical or  
7 applied fields in speech-language pathology or audiology  
8 it deems appropriate. It may examine the applicant with  
9 regard to his or her professional skills and his or her  
10 judgment in the utilization of speech-language pathology  
11 or audiology techniques and methods.

12 (b) The examination may be written or oral or both.  
13 The examination shall be given at least once a year at the  
14 time and place and under such supervision as the board  
15 may determine. The board shall determine what shall  
16 constitute a passing grade.

17 (c) The board shall keep an accurate recording of any  
18 oral examination and keep the recordings as well as any  
19 written examination as part of its records for at least two  
20 years following the date of examination.

21 SEC. 24. Section 2533.4 of the Business and  
22 Professions Code is amended to read:

23 2533.4. Whenever any person other than a licensed  
24 speech-language pathologist or audiologist has engaged  
25 in any act or practice which constitutes an offense against  
26 this chapter, a superior court of any county, on  
27 application of the board, may issue an injunction or other  
28 appropriate order restraining that conduct. Proceedings  
29 under this section shall be governed by Chapter 3  
30 (commencing with Section 525) of Title 7 of Part 2 of the  
31 Code of Civil Procedure. The board may commence  
32 action in the superior court under this section on its own  
33 motion.

34 SEC. 25. Section 2534 of the Business and Professions  
35 Code is amended to read:

36 2534. The board shall report to the Controller at the  
37 beginning of each month for the month preceding the  
38 amount and source of all revenue received by it pursuant  
39 to this chapter, and shall pay the entire amount thereof  
40 to the Treasurer for deposit in the Speech-Language

1 Pathology and Audiology Board Fund, which fund is  
2 hereby created and is continuously appropriated to carry  
3 out the purposes of this chapter.

4 SEC. 26. Section 2534.1 of the Business and  
5 Professions Code is amended to read:

6 2534.1. The board shall keep records that will  
7 reasonably ensure that funds expended in the  
8 administration of each licensing or registration category  
9 shall bear a reasonable relation to the revenue derived  
10 from each category.

11 SEC. 27. Section 2534.2 of the Business and  
12 Professions Code is amended to read:

13 2534.2. The amount of the fees prescribed by this  
14 chapter is that fixed by the following schedule:

15 (a) The application fee and renewal fee shall be  
16 established by the board in an amount which does not  
17 exceed one hundred fifty dollars (\$150) but is sufficient  
18 to support the functions of the board which relate to the  
19 functions authorized by this chapter.

20 (b) The delinquency fee shall be twenty-five dollars  
21 (\$25).

22 (c) The reexamination fee shall be established by the  
23 board in an amount which does not exceed seventy-five  
24 dollars (\$75).

25 (d) The fee for registration of an aide shall be  
26 established by the board in an amount which does not  
27 exceed thirty dollars (\$30).

28 (e) The duplicate wall certificate fee is twenty-five  
29 dollars (\$25).

30 (f) The duplicate renewal receipt fee is twenty-five  
31 dollars (\$25).

32 SEC. 28. Section 2535 of the Business and Professions  
33 Code is amended to read:

34 2535. (a) All licenses issued as of January 1, 1992, shall  
35 expire at 12 a.m. of the last date of the birth month of the  
36 licensee during the second year of a two-year term if not  
37 renewed.

38 (b) All licenses issued under this chapter, except those  
39 licenses issued pursuant to subdivision (a), shall expire at  
40 12 a.m. of the last date of the birth month of the licensee

1 during the second year of a two-year term, if not  
2 renewed.

3 (c) To renew an unexpired license, the licensee shall,  
4 on or before the date of expiration of the license, apply for  
5 renewal on a form provided by the board, accompanied  
6 by the prescribed renewal fee.

7 SEC. 29. Section 2535.2 of the Business and  
8 Professions Code is amended to read:

9 2535.2. Except as provided in Section 2535.3, a license  
10 which has expired may be renewed at any time within  
11 five years after its expiration upon filing of an application  
12 for renewal on a form prescribed by the board and  
13 payment of the renewal fee in effect on the last regular  
14 renewal date. If the license is not renewed on or before  
15 its expiration, the licensee, as a condition precedent to  
16 renewal, shall also pay the prescribed delinquency fee.  
17 Renewal under this section shall be effective on the date  
18 on which the application is filed, on the date on which the  
19 renewal fee is paid, or on the date on which the  
20 delinquency fee is paid, whichever last occurs. If so  
21 renewed, the license shall continue in effect through the  
22 expiration date provided in Section 2535, after the  
23 effective date of the renewal, when it shall expire and  
24 become invalid if it is not again renewed.

25 SEC. 30. Section 2535.4 of the Business and  
26 Professions Code is amended to read:

27 2535.4. A person who fails to renew his or her license  
28 within the five years after its expiration may not renew  
29 it, and it may not be restored, reissued, or reinstated  
30 thereafter, but that person may apply for and obtain a  
31 new license if he or she meets all of the following  
32 requirements:

33 (a) Has not committed any acts or crimes constituting  
34 grounds for denial of licensure under Division 1.5  
35 (commencing with Section 475).

36 (b) Takes and passes the examination or examinations,  
37 if any, which would be required of him or her if an initial  
38 application for licensure was being made, or otherwise  
39 establishes to the satisfaction of the board that, with due  
40 regard for the public interest, he or she is qualified to

1 practice as a speech-language pathologist or audiologist,  
2 as the case may be.

3 (c) Pays all of the fees that would be required if an  
4 initial application for licensure was being made. In  
5 addition, the board may charge the applicant a fee to  
6 cover the actual costs of any examination that it may  
7 administer.

8 SEC. 31. Section 2536 of the Business and Professions  
9 Code is amended to read:

10 2536. A speech-language pathology corporation or an  
11 audiology corporation is a corporation which is  
12 authorized to render professional services, as defined in  
13 Section 13401 of the Corporations Code, so long as that  
14 corporation and its shareholders, officers, directors, and  
15 employees rendering professional services who are  
16 speech-language pathologists or audiologists are in  
17 compliance with the Moscone-Knox Professional  
18 Corporation Act, this article, and all other statutes and  
19 regulations now or hereafter enacted or adopted  
20 pertaining to the corporation and the conduct of its  
21 affairs.

22 With respect to a speech-language pathology  
23 corporation or an audiology corporation, the  
24 governmental agency referred to in the Moscone-Knox  
25 Professional Corporation Act is the Speech-Language  
26 Pathology and Audiology Board.

27 SEC. 32. Section 2539 of the Business and Professions  
28 Code is amended to read:

29 2539. The board may adopt and enforce regulations to  
30 carry out the purposes and objectives of this article, and  
31 the Moscone-Knox Professional Corporation Act,  
32 including regulations requiring (a) that the bylaws of a  
33 speech-language pathology corporation or an audiology  
34 corporation shall include a provision whereby the capital  
35 stock of the corporation owned by a disqualified person  
36 as defined in Section 13401 of the Corporations Code, or  
37 a deceased person shall be sold to the corporation or to the  
38 remaining shareholders of the corporation within such  
39 time as the regulations may provide, and (b) that a  
40 speech-language pathology corporation or an audiology

1 corporation shall provide adequate security by insurance  
2 or otherwise for claims against it by its patients arising out  
3 of the rendering of professional services.

4 SEC. 33. Section 2760.1 of the Business and  
5 Professions Code is amended to read:

6 2760.1. (a) A registered nurse whose license has been  
7 revoked, or suspended or who has been placed on  
8 probation may petition the board for reinstatement or  
9 modification of penalty, including reduction or  
10 termination of probation, after a period not less than the  
11 following minimum periods has elapsed from the  
12 effective date of the decision ordering that disciplinary  
13 action, or if the order of the board or any portion of it is  
14 stayed by the board itself or by the superior court, from  
15 the date the disciplinary action is actually implemented  
16 in its entirety:

17 (1) Except as otherwise provided in this section, at  
18 least three years for reinstatement of a license that was  
19 revoked, except that the board may, in its sole discretion,  
20 specify in its order a lesser period of time provided that  
21 the period shall be not less than one year.

22 (2) At least two years for early termination of a  
23 probation period of three years or more.

24 (3) At least one year for modification of a condition, or  
25 reinstatement of a license revoked for mental or physical  
26 illness, or termination of probation of less than three  
27 years.

28 (b) The board shall give notice to the Attorney  
29 General of the filing of the petition. The petitioner and  
30 the Attorney General shall be given timely notice by  
31 letter of the time and place of the hearing on the petition,  
32 and an opportunity to present both oral and documentary  
33 evidence and argument to the board. The petitioner shall  
34 at all times have the burden of proof to establish by clear  
35 and convincing evidence that he or she is entitled to the  
36 relief sought in the petition.

37 (c) The hearing may be continued from time to time  
38 as the board deems appropriate.

(d) The board itself shall hear the petition and the administrative law judge shall prepare a written decision setting forth the reasons supporting the decision.

(e) The board may grant or deny the petition, or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement or reduction of penalty.

(f) The petitioner shall provide a current set of fingerprints accompanied by the necessary fingerprinting fee.

(g) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole, or subject to an order of registration as a mentally disordered sex offender pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(h) Except in those cases where the petitioner has been disciplined for violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

SEC. 34. Section 2902 of the Business and Professions Code is amended to read:

2902. As used in this chapter, unless the context clearly requires otherwise and except as in this chapter expressly otherwise provided:

(a) “Licensed psychologist” means an individual to whom a license has been issued pursuant to the provisions of this chapter, which license is in force and has not been suspended or revoked.

(b) “Board” means the Board of Psychology.

(c) A person represents himself or herself to be a psychologist when the person holds himself or herself out to the public by any title or description of services incorporating the words “psychology,” “psychological,” “psychologist,” “psychology consultation,” “psychology

1 consultant,” “psychometry,” “psychometrics” or  
2 “psychometrist,” “psychotherapy,” “psychotherapist,”  
3 “psychoanalysis,” or “psychoanalyst,” or when the person  
4 holds himself or herself out to be trained, experienced, or  
5 an expert in the field of psychology.

6 (d) “Accredited,” as used with reference to academic  
7 institutions, means the University of California, the  
8 California State University, an institution accredited  
9 under Section 94761 of the Education Code, or an  
10 institution located in another state that is accredited by  
11 a national or an applicable regional accrediting agency  
12 recognized by the United States Department of  
13 Education.

14 (e) “Approved,” as used with reference to academic  
15 institutions, means approved under Section 94777 of the  
16 Education Code.

17 SEC. 35. Section 2928 of the Business and Professions  
18 Code is amended to read:

19 2928. The board shall administer and enforce this  
20 chapter.

21 SEC. 36. Section 2929 of the Business and Professions  
22 Code is amended to read:

23 2929. The board shall adopt a seal, which shall be  
24 affixed to all licenses issued by the board.

25 SEC. 37. Section 2933 of the Business and Professions  
26 Code is amended to read:

27 2933. Except as provided by Section 159.5, the board  
28 shall employ and shall make available to the board within  
29 the limits of the funds received by the board all personnel  
30 necessary to carry out this chapter. The board may  
31 employ, exempt from the State Civil Service Act, an  
32 executive officer to the Board of Psychology. The board  
33 shall make all expenditures to carry out this chapter. The  
34 board may accept contributions to effectuate the  
35 purposes of this chapter.

36 This section shall become inoperative on July 1, 1999,  
37 and, as of January 1, 2000, is repealed, unless a later  
38 enacted statute, which becomes effective on or before  
39 January 1, 2000, deletes or extends the dates on which it  
40 becomes inoperative and is repealed.



1 SEC. 38. Section 2940 of the Business and Professions  
2 Code is amended to read:

3 2940. Each person desiring to obtain a license from  
4 the board shall make application to the board. The  
5 application shall be made upon a form and shall be made  
6 in a manner as the board prescribes in regulations duly  
7 adopted under this chapter.

8 The application shall be accompanied by the  
9 application fee prescribed by Section 2949. This fee shall  
10 not be refunded by the board.

11 SEC. 39. Section 2941 of the Business and Professions  
12 Code is amended to read:

13 2941. Each applicant for a psychology license shall be  
14 examined by the board, and shall pay to the board, at least  
15 30 days prior to the date of examination, the examination  
16 fee prescribed by Section 2987, which fee shall not be  
17 refunded by the board.

18 SEC. 40. Section 2948 of the Business and Professions  
19 Code is amended to read:

20 2948. The board shall issue a license to all applicants  
21 who meet the requirements of this chapter and who pay  
22 to the board the initial license fee provided in Section  
23 2987.

24 SEC. 41. Section 2971 of the Business and Professions  
25 Code is amended to read:

26 2971. Whenever any person other than a licensed  
27 psychologist has engaged in any act or practice that  
28 constitutes an offense against this chapter, the superior  
29 court of any county, on application of the board, may issue  
30 an injunction or other appropriate order restraining that  
31 conduct. Proceedings under this section shall be  
32 governed by Chapter 3 (commencing with Section 525)  
33 of Title 7, Part 2 of the Code of Civil Procedure, except  
34 that it shall be presumed that there is no adequate  
35 remedy at law, and that irreparable damage will occur if  
36 the continued violation is not restrained or enjoined. On  
37 the written request of the board, or on its own motion, the  
38 board may commence action in the superior court under  
39 this section.

1 SEC. 42. Section 2980 of the Business and Professions  
2 Code is amended to read:

3 2980. There is in the State Treasury the Psychology  
4 Fund. The board shall report to the Controller at the  
5 beginning of each calendar month, for the month  
6 preceding, the amount and source of all revenue received  
7 by it, pursuant to this chapter, and shall pay the entire  
8 amount thereof to the Treasurer for deposit into that  
9 fund. All revenue received by the board from fees  
10 authorized to be charged relating to the practice of  
11 psychology shall be deposited into that fund as provided  
12 in this section.

13 SEC. 43. Section 2984 of the Business and Professions  
14 Code is amended to read:

15 2984. Except as provided in Section 2985, a license  
16 which has expired may be renewed at any time within  
17 three years after its expiration on filing of application for  
18 renewal on a form prescribed by the board and payment  
19 of the renewal fee in effect on the last regular renewal  
20 date. If the license is not renewed within 30 days after its  
21 expiration, the licensee, as a condition precedent to  
22 renewal, shall also pay the prescribed delinquency fee, if  
23 any. Renewal under this section shall be effective on the  
24 date on which the application is filed, on the date on  
25 which the renewal fee is paid, or on the date on which the  
26 delinquency fee, if any, is paid, whichever last occurs. If  
27 so renewed, the license shall continue in effect through  
28 the expiration date provided in Section 2982 which next  
29 occurs after the effective date of the renewal, when it  
30 shall expire and become invalid if it is not again renewed.

31 SEC. 44. Section 3325 of the Business and Professions  
32 Code is amended to read:

33 3325. Notice of each meeting of the committee shall  
34 be given in accordance with the Bagley-Keene Open  
35 Meeting Act (Article 9 (commencing with Section 11120)  
36 of Part 1 of Division 3 of Title 2 of the Government Code).

37 *SEC. 44.5. Section 3328 of the Business and*  
38 *Professions Code is amended to read:*

39 3328. The committee may adopt, amend, or repeal, in  
40 accordance with the provisions of the Administrative

1 Procedure Act, regulations that are necessary to enable  
2 the committee to carry into effect the provisions of law  
3 relating to the practice of fitting or selling hearing aids.  
4 All regulations adopted, amended, or repealed by the  
5 committee, except those regulations adopted in  
6 furtherance of Sections ~~3326.5~~ 3327.5 and 3456, shall be  
7 subject to the review and approval of the board in  
8 accordance with the following procedure:

9 (a) The committee shall file with the board, and  
10 concurrently with the Office of Administrative Law, the  
11 notice of proposed adoption, amendment, or repeal of  
12 regulations, the express terms of the proposed  
13 regulations, and the initial statement of reasons for those  
14 regulations. The board may file written testimony  
15 regarding any proposed regulations with the committee  
16 and the committee shall file the testimony with the Office  
17 of Administrative Law.

18 (b) After the committee adopts, amends, or repeals  
19 any regulation pursuant to this section, the committee  
20 shall submit those regulations to the board. The board  
21 shall notify the committee of its approval or rejection of  
22 the regulations within 30 days of the submission by the  
23 committee. If the board fails to act within 30 days, the  
24 regulations shall be deemed approved. The board may act  
25 on the regulations at a regularly scheduled meeting or by  
26 a review of the written material from the committee. Any  
27 action taken after a review of the written material may  
28 be taken by a mail vote. The approval of regulations shall  
29 require the affirmative vote of a majority of the members  
30 then appointed.

31 (c) In the event the board disapproves a regulation, it  
32 shall notify the committee in writing of the basis for its  
33 disapproval.

34 SEC. 45. Section 3362 of the Business and Professions  
35 Code is amended to read:

36 3362. (a) Before engaging in the practice of fitting or  
37 selling hearing aids, each licensee shall notify the  
38 committee in writing of the address or addresses where  
39 he or she is to engage, or intends to engage, in the fitting

1 or selling of hearing aids, and of any changes in his or her  
2 place of business.

3 (b) If a street address is not the address at which the  
4 licensee receives mail, the licensee shall also notify the  
5 committee in writing of the mailing address for each  
6 location where the licensee is to engage, or intends to  
7 engage, in the fitting or selling of hearing aids, and of any  
8 change in the mailing address of his or her place or places  
9 of business.

10 SEC. 46. Section 3401 of the Business and Professions  
11 Code is amended to read:

12 3401. The committee may deny, issue subject to terms  
13 and conditions, suspend, or revoke a license, or impose  
14 conditions of probation upon a licensee, for any of the  
15 following causes:

16 (a) Gross incompetency, which includes, but is not  
17 limited to, the improper or unnecessary fitting of a  
18 hearing aid.

19 (b) Gross negligence.

20 (c) Repeated negligent acts.

21 (d) Conviction of any crime substantially related to  
22 the qualifications, functions, or duties of a hearing aid  
23 dispenser.

24 (e) Obtaining a license by fraud or deceit.

25 (f) Use of the term “doctor” or “physician” or “clinic”  
26 or “audiologist,” or any derivation thereof, except as  
27 authorized by law.

28 (g) Fraud or misrepresentation in the fitting or selling  
29 of a hearing aid.

30 (h) The employment, to perform any act covered by  
31 this chapter, of any person whose license has been  
32 suspended, revoked, or who does not possess a valid  
33 license issued under this chapter.

34 (i) The use, or causing the use, of any advertising or  
35 promotional literature in a manner that has the capacity  
36 or tendency to mislead or deceive purchasers or  
37 prospective purchasers.

38 (j) Habitual intemperance in the use of alcohol or any  
39 controlled substance.



1 (k) Permitting another to use his or her license for any  
2 purpose.

3 (l) Violation of any provision of this chapter or of any  
4 regulation adopted pursuant to this chapter.

5 (m) Any cause that would be grounds for denial of an  
6 application for a license.

7 (n) Violation of Section 1689.6 or 1793.02 of the Civil  
8 Code.

9 SEC. 47. Section 5029 of the Business and Professions  
10 Code is amended to read:

11 5029. The board may establish an advisory continuing  
12 education committee of nine members, six of whom shall  
13 be certified public accountants, two of whom shall be  
14 board members, one of whom is a public member of the  
15 board, and one of whom shall be a public accountant, to  
16 perform any of the following duties:

17 (a) To evaluate programs and advise the board as to  
18 whether they qualify under the regulations adopted by  
19 the board pursuant to subdivision (f) of Section 5027.  
20 Educational courses offered by professional accounting  
21 societies shall be accepted by the board as qualifying if the  
22 courses are approved by the committee as meeting the  
23 requirements of the board under the regulations.

24 (b) To consider applications for exceptions as  
25 permitted under Section 5028 and provide a  
26 recommendation to the board.

27 (c) To consider other advisory matters relating to the  
28 requirements of this article as the board may assign to the  
29 committee.

30 SEC. 48. Section 5107 of the Business and Professions  
31 Code is amended to read:

32 5107. (a) The executive officer of the board may  
33 request the administrative law judge, as part of the  
34 proposed decision in a disciplinary proceeding, to direct  
35 any holder of a permit or certificate found guilty of  
36 unprofessional conduct in violation of subdivisions (b),  
37 (c), (i), or (j) of Section 5100, or involving a felony  
38 conviction in violation of subdivision (a) of Section 5100,  
39 or involving fiscal dishonesty in violation of subdivision  
40 (h) of Section 5100, to pay to the board all reasonable costs

1 of investigation and prosecution of the case, including,  
2 but not limited to, attorneys' fees. The board shall not  
3 recover costs incurred at the administrative hearing.

4 (b) A certified copy of the actual costs, or a good faith  
5 estimate of costs where actual costs are not available,  
6 signed by the executive officer, shall be prima facie  
7 evidence of reasonable costs of investigation and  
8 prosecution of the case.

9 (c) The administrative law judge shall make a  
10 proposed finding of the amount of reasonable costs of  
11 investigation and prosecution of the case when requested  
12 to do so by the executive officer pursuant to subdivision  
13 (a). Costs are payable 120 days after the board's decision  
14 is final unless otherwise provided for by the  
15 administrative law judge or if the time for payment is  
16 extended by the board.

17 (d) The finding of the administrative law judge with  
18 regard to cost shall not be reviewable by the board to  
19 increase the cost award. The board may reduce or  
20 eliminate the cost award, or remand to the administrative  
21 law judge where the proposed decision fails to make a  
22 finding on costs requested by the executive officer  
23 pursuant to subdivision (a).

24 (e) The administrative law judge may make a further  
25 finding that the amount of reasonable costs awarded shall  
26 be reduced or eliminated upon a finding that respondent  
27 has demonstrated that he or she cannot pay all or a  
28 portion of the costs or that payment of the costs would  
29 cause an unreasonable financial hardship which cannot  
30 be remedied through a payment plan.

31 (f) When an administrative law judge makes a finding  
32 that costs be waived or reduced, he or she shall set forth  
33 the factual basis for his or her finding in the proposed  
34 decision.

35 (g) Where an order for recovery of costs is made and  
36 timely payment is not made as directed by the board's  
37 decision, the board may enforce the order for payment in  
38 any appropriate court. This right of enforcement shall be  
39 in addition to any other rights the board may have as to  
40 any holder of a permit or certificate directed to pay costs.



1 (h) In any judicial action for the recovery of costs,  
2 proof of the board's decision shall be conclusive proof of  
3 the validity of the order of payment and the terms of  
4 payment.

5 (i) All costs recovered under this section shall be  
6 deposited in the Accountancy Fund.

7 (j) (1) Except as provided in paragraph (2), the  
8 board shall not renew or reinstate the permit or  
9 certificate of any holder who has failed to pay all of the  
10 costs ordered under this section.

11 (2) Notwithstanding paragraph (1), the board may, in  
12 its discretion, conditionally renew or reinstate for a  
13 maximum of one year the permit or certificate of any  
14 holder who demonstrates financial hardship and who  
15 enters into a formal agreement with the board to  
16 reimburse the board within that one-year period for those  
17 unpaid costs.

18 (k) Nothing in this section shall preclude the board  
19 from seeking recovery of costs in an order or decision  
20 made pursuant to an agreement entered into between  
21 the board and the holder of any permit or certificate.

22 SEC. 49. Section 6529 of the Business and Professions  
23 Code is repealed.

24 SEC. 50. Section 6548 of the Business and Professions  
25 Code, as amended by Chapter 1673 of the Statutes of 1990,  
26 is repealed.

27 SEC. 51. Section 6560 of the Business and Professions  
28 Code, as amended by Chapter 1673 of the Statutes of 1990,  
29 is repealed.

30 SEC. 52. Section 6625 of the Business and Professions  
31 Code, as amended by Chapter 1673 of the Statutes of 1990,  
32 is repealed.

33 SEC. 53. Section 6630 of the Business and Professions  
34 Code, as amended by Chapter 1673 of the Statutes of 1990,  
35 is repealed.

36 SEC. 54. Section 6632 of the Business and Professions  
37 Code, as amended by Chapter 1673 of the Statutes of 1990,  
38 is repealed.

1 SEC. 55. Section 6633 of the Business and Professions  
2 Code, as amended by Chapter 1673 of the Statutes of 1990,  
3 is repealed.

4 SEC. 56. Section 6634 of the Business and Professions  
5 Code, as amended by Chapter 1673 of the Statutes of 1990,  
6 is repealed.

7 SEC. 57. Section 6635 of the Business and Professions  
8 Code, as amended by Chapter 1673 of the Statutes of 1990,  
9 is repealed.

10 SEC. 58. Section 6635.2 of the Business and  
11 Professions Code, as amended by Chapter 1673 of the  
12 Statutes of 1990, is repealed.

13 SEC. 59. Section 6636 of the Business and Professions  
14 Code is repealed.

15 SEC. 60. Section 7302 of the Business and Professions  
16 Code, as amended by Chapter 1674 of the Statutes of 1990,  
17 is repealed.

18 SEC. 61. Section 7311 of the Business and Professions  
19 Code, as amended by Chapter 1674 of the Statutes of 1990,  
20 is repealed.

21 SEC. 62. Section 7312 of the Business and Professions  
22 Code, as amended by Chapter 1674 of the Statutes of 1990,  
23 is repealed.

24 SEC. 63. Section 7314 of the Business and Professions  
25 Code, as amended by Chapter 1674 of the Statutes of 1990,  
26 is repealed.

27 SEC. 64. Section 7314.1 of the Business and  
28 Professions Code, as amended and renumbered by  
29 Chapter 1674 of the Statutes of 1990, is repealed.

30 SEC. 65. Section 7314.2 of the Business and  
31 Professions Code, as added by Chapter 1674 of the  
32 Statutes of 1990, is repealed.

33 SEC. 66. Section 7320 of the Business and Professions  
34 Code, as amended by Chapter 1674 of the Statutes of 1990,  
35 is repealed.

36 SEC. 67. Section 7322 of the Business and Professions  
37 Code, as amended by Chapter 1674 of the Statutes of 1990,  
38 is repealed.

39 SEC. 67.1. Section 7330 of the Business and  
40 Professions Code is amended to read:





1 7330. The board shall admit to examination for a  
2 license as an electrologist to practice electrolysis, any  
3 person who has made application to the board in proper  
4 form, paid the fee required by this chapter, and is  
5 qualified as follows:

6 (a) Is not less than 17 years of age.

7 (b) Has completed the 12th grade or an accredited  
8 senior high school course of study in public schools of this  
9 state or its equivalent.

10 (c) Is not subject to denial pursuant to Section 480.

11 (d) Has done any of the following:

12 (1) Completed a course of training in electrolysis from  
13 a school approved by the board.

14 (2) Practiced electrolysis, as defined in this chapter,  
15 for a period of 18 months outside of this state within the  
16 time equivalent to the study and training of a qualified  
17 person who has completed a course in electrolysis from a  
18 school the curriculum of which complied with  
19 requirements adopted by the board. Each three months  
20 of practice shall be deemed the equivalent of 100 hours  
21 of training for qualification under paragraph (1).

22 (3) Completed the apprenticeship program in  
23 electrology specified in Article 4 (commencing with  
24 Section 7332).

25 SEC. 67.2. Section 7335 of the Business and  
26 Professions Code is amended to read:

27 7335. (a) The license of an apprentice shall expire  
28 two years from the date the license was issued, or on the  
29 date the apprentice is issued a license following the  
30 license examination, or if the apprentice fails the license  
31 examination twice, on the date the results of the second  
32 examination are issued, whichever occurs first.

33 (b) No person holding a license as an apprentice shall  
34 work more than three months after completing the  
35 required training without applying for and taking the  
36 examination for licensure.

37 (c) The board may extend the two-year or  
38 three-month period described in subdivisions (a) and (b)  
39 upon a showing of good cause which shall include, but not  
40 be limited to, delays in applying for and taking the

1 examination caused by the illness of, or accident to, the  
2 apprentice, or service in the armed forces of the United  
3 States.

4 SEC. 67.3. Section 7337 of the Business and  
5 Professions Code is amended to read:

6 7337. Every application for admission to examination  
7 and licensure shall be in writing, on forms prepared and  
8 furnished by the board.

9 Each application shall be accompanied by the required  
10 fee, and shall contain proof of the qualifications of the  
11 applicant for examination and licensure. It shall be  
12 verified by the oath of the applicant. Every applicant  
13 shall, as a condition of admittance to the examination  
14 facility, present satisfactory proof of identification.  
15 Satisfactory proof of identification shall be in the form of  
16 a valid, unexpired driver's license or identification card,  
17 containing the photograph of the person to whom it was  
18 issued, issued by any state, federal, or other government  
19 entity.

20 SEC. 67.4. Section 7340 of the Business and  
21 Professions Code is amended to read:

22 7340. All examinations shall be prepared by or under  
23 the direction of the board. The board shall establish  
24 standards and procedures governing administration and  
25 grading and shall exercise supervision as may be  
26 necessary to assure compliance therewith.

27 SEC. 67.5. Section 7404 of the Business and  
28 Professions Code is amended to read:

29 7404. The grounds for disciplinary action are as  
30 follows:

31 (a) Unprofessional conduct which includes, but is not  
32 limited to, any of the following:

33 (1) Incompetence or gross negligence, including  
34 failure to comply with generally accepted standards for  
35 the practice of barbering, cosmetology, or electrology or  
36 disregard for the health and safety of patrons.

37 (2) Repeated similar negligent acts.

38 (3) Conviction of any crime substantially related to  
39 the qualifications, functions, or duties of the



1 licenseholder, in which case, the records of conviction or  
2 a certified copy shall be conclusive evidence thereof.

3 (4) Advertising by means of knowingly false or  
4 deceptive statements.

5 (b) Failure to comply with the requirements of this  
6 chapter.

7 (c) Failure to comply with the rules governing health  
8 and safety adopted by the board and approved by the  
9 State Department of Health Services, for the regulation  
10 of establishments, or any practice licensed and regulated  
11 under this chapter.

12 (d) Failure to comply with the rules adopted by the  
13 board for the regulation of establishments, or any practice  
14 licensed and regulated under this chapter.

15 (e) Continued practice by a person knowingly having  
16 an infectious or contagious disease.

17 (f) Habitual drunkenness, habitual use of or addiction  
18 to the use of any controlled substance.

19 (g) Obtaining or attempting to obtain practice in any  
20 occupation licensed and regulated under this chapter, or  
21 money, or compensation in any form, by fraudulent  
22 misrepresentation.

23 (h) Failure to display the license or health and safety  
24 rules and regulations in a conspicuous place.

25 (i) Engaging, outside of a licensed establishment and  
26 for compensation in any form whatever, in any practice  
27 for which a license is required under this chapter, except  
28 that when such service is provided because of illness or  
29 other physical or mental incapacitation of the recipient of  
30 the service and when performed by a licensee obtained  
31 for the purpose from a licensed establishment.

32 (j) Permitting a license to be used where the holder is  
33 not personally, actively and continuously engaged in  
34 business.

35 (k) The making of any false statement as to a material  
36 matter in any oath or affidavit, which is required by the  
37 provisions of this chapter.

38 (l) Refusal to permit or interference with an  
39 inspection authorized under this chapter.

1 (m) Any action or conduct which would have  
2 warranted the denial of a license.

3 (n) Failure to surrender a license that was issued in  
4 error or by mistake.

5 SEC. 67.6. Section 7414 of the Business and  
6 Professions Code is amended to read:

7 7414. Persons who fail to pay administrative fines shall  
8 not be allowed to renew any licenses issued to them until  
9 all fines are paid in addition to any renewal or  
10 delinquency fees which are required.

11 SEC. 67.7. Section 7415 of the Business and  
12 Professions Code is amended to read:

13 7415. Licenses issued under this chapter, unless  
14 specifically excepted, shall be issued for a two-year period  
15 and shall expire at midnight on the last day of the month  
16 of issuance by the board.

17 SEC. 67.8. Section 7417 of the Business and  
18 Professions Code is amended to read:

19 7417. Except as otherwise provided in this article, a  
20 license that has expired for failure of the licensee to  
21 renew within the time fixed by this article may be  
22 renewed at any time within five years following its  
23 expiration upon application and payment of all accrued  
24 and unpaid renewal fees and delinquency fees. If the  
25 license is renewed more than 30 days after its expiration,  
26 the licensee, as a condition precedent to renewal, shall  
27 also pay the delinquency fee and meet current  
28 continuing education requirements, if applicable,  
29 prescribed by this chapter. Renewal under this section  
30 shall be effective on the date on which the application is  
31 filed, or on the date on which the accrued renewal fees  
32 are paid, or on the date on which the delinquency fee, if  
33 any, is paid, whichever occurs last. If so renewed, the  
34 license shall continue in effect through the expiration  
35 date provided in this article which next occurs following  
36 the effective date of the renewal, when it shall expire if  
37 it is not again renewed.

38 SEC. 67.9. Section 7427 of the Business and  
39 Professions Code is repealed.

1 SEC. 68. Section 7373 of the Business and Professions  
2 Code, as amended by Chapter 1674 of the Statutes of 1990,  
3 is repealed.

4 SEC. 69. Section 7384 of the Business and Professions  
5 Code, as amended by Chapter 1674 of the Statutes of 1990,  
6 is repealed.

7 SEC. 70. Section 7390 of the Business and Professions  
8 Code, as added by Chapter 1674 of the Statutes of 1990, is  
9 repealed.

10 SEC. 71. Section 7391 of the Business and Professions  
11 Code, as added by Chapter 1674 of the Statutes of 1990, is  
12 repealed.

13 SEC. 72. Section 7392 of the Business and Professions  
14 Code, as added by Chapter 1674 of the Statutes of 1990, is  
15 repealed.

16 SEC. 73. Section 7393 of the Business and Professions  
17 Code, as added by Chapter 1674 of the Statutes of 1990, is  
18 repealed.

19 SEC. 74. Section 7394 of the Business and Professions  
20 Code, as added by Chapter 1674 of the Statutes of 1990, is  
21 repealed.

22 SEC. 75. Section 7395 of the Business and Professions  
23 Code, as added by Chapter 1674 of the Statutes of 1990, is  
24 repealed.

25 SEC. 76. Section 7412 of the Business and Professions  
26 Code, as amended by Chapter 1674 of the Statutes of 1990,  
27 is repealed.

28 SEC. 77. Section 7420 of the Business and Professions  
29 Code, as amended by Chapter 1674 of the Statutes of 1990,  
30 is repealed.

31 SEC. 78. Section 7423 of the Business and Professions  
32 Code is amended to read:

33 7423. The amounts of the fees required by this  
34 chapter relating to licenses for individual practitioners  
35 are as follows:

36 (a) Cosmetologist application, examination and initial  
37 license fee shall be not more than fifty dollars (\$50).

38 (b) Esthetician application, examination and initial  
39 license fee shall be not more than forty dollars (\$40).

1 (c) Manicurist application, examination and initial  
2 license fee shall be not more than thirty-five dollars (\$35).

3 (d) Barber application, examination and initial license  
4 fee shall be not more than fifty dollars (\$50).

5 (e) Electrologist application, examination and initial  
6 license fee shall be not more than fifty dollars (\$50).

7 (f) Apprentice application and license fee shall be not  
8 more than twenty-five dollars (\$25).

9 (g) The license renewal fee for individual practitioner  
10 licenses that are subject to renewal shall be not more than  
11 fifty dollars (\$50).

12 (h) The license renewal delinquency fee shall be 50  
13 percent of the renewal fee in effect on the date of  
14 renewal, notwithstanding Section 163.5.

15 (i) Any preapplication fee shall be established by the  
16 board in an amount sufficient to cover the costs of  
17 processing and administration of the preapplication.

18 (j) This section shall become operative on July 1, 1992.

19 SEC. 78.5. Section 7431 of the Business and  
20 Professions Code, as amended by Chapter 1674 of the  
21 Statutes of 1990, is repealed.

22 SEC. 79. Section 7436 of the Business and Professions  
23 Code, as amended by Chapter 1674 of the Statutes of 1990,  
24 is repealed.

25 SEC. 80. Section 7437 of the Business and Professions  
26 Code, as amended by Chapter 1674 of the Statutes of 1990,  
27 is repealed.

28 SEC. 81. Section 7437.3 of the Business and  
29 Professions Code, as amended by Chapter 1674 of the  
30 Statutes of 1990, is repealed.

31 SEC. 82. Section 7444 of the Business and Professions  
32 Code, as amended by Chapter 1675 of the Statutes of 1990,  
33 is repealed.

34 SEC. 83. Section 7860 of the Business and Professions  
35 Code is amended to read:

36 7860. (a) The board may, upon its own initiative or  
37 upon the receipt of a complaint, investigate the actions of  
38 any registered geologist, geophysicist, or person granted  
39 temporary authorizations pursuant to Sections 7848 and  
40 7848.1, and make findings thereon.

(b) By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of any geologist or geophysicist registered hereunder, or may publicly reprove or revoke the temporary authorization granted to any person pursuant to Section 7848 or 7848.1, on any of the following grounds:

(1) Conviction of a crime substantially related to the qualifications, functions, or duties of a geologist or geophysicist.

(2) Misrepresentation, fraud, or deceit by a geologist or geophysicist in his or her practice.

(3) Negligence or incompetence by a geologist or geophysicist in his or her practice.

(4) Violation of any contract undertaken in the capacity of a geologist or geophysicist.

(5) Fraud or deceit in obtaining a certificate to practice as a geologist or geophysicist, or in obtaining a temporary authorization to practice pursuant to Section 7848 or 7848.1.

(c) By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or may revoke the certificate of any geologist or geophysicist registered hereunder, or may publicly reprove or revoke the temporary authorization granted to any person pursuant to Section 7848 or 7848.1, for unprofessional conduct. Unprofessional conduct includes, but is not limited to, any of the following:

(1) Aiding or abetting any person in a violation of this chapter or any regulation adopted by the board pursuant to this chapter.

(2) Violating this chapter or any regulation adopted by the board pursuant to this chapter.

(3) Conduct in the course of practice as a geologist or geophysicist that violates professional standards adopted by the board.

SEC. 84. Section 13401.5 of the Corporations Code is amended to read:

13401.5. Notwithstanding subdivision (d) of Section 13401 and any other provision of law, the following

1 licensed persons may be shareholders, officers, directors,  
2 or professional employees of the professional  
3 corporations designated in this section so long as the sum  
4 of all shares owned by those licensed persons does not  
5 exceed 49 percent of the total number of shares of the  
6 professional corporation so designated herein, and so long  
7 as the number of those licensed persons owning shares in  
8 the professional corporation so designated herein does  
9 not exceed the number of persons licensed by the  
10 governmental agency regulating the designated  
11 professional corporation:

- 12 (a) Medical corporation.
  - 13 (1) Licensed doctors of podiatric medicine.
  - 14 (2) Licensed psychologists.
  - 15 (3) Registered nurses.
  - 16 (4) Licensed optometrists.
  - 17 (5) Licensed marriage, family, and child counselors.
  - 18 (6) Licensed clinical social workers.
  - 19 (7) Licensed physician assistants.
  - 20 (8) Licensed chiropractors.
- 21 (b) Podiatric medical corporation.
  - 22 (1) Licensed physicians and surgeons.
  - 23 (2) Licensed psychologists.
  - 24 (3) Registered nurses.
  - 25 (4) Licensed optometrists.
  - 26 (5) Licensed chiropractors.
- 27 (c) Psychological corporation.
  - 28 (1) Licensed physicians and surgeons.
  - 29 (2) Licensed doctors of podiatric medicine.
  - 30 (3) Registered nurses.
  - 31 (4) Licensed optometrists.
  - 32 (5) Licensed marriage, family, and child counselors.
  - 33 (6) Licensed clinical social workers.
  - 34 (7) Licensed chiropractors.
- 35 (d) Speech-language pathology corporation.
  - 36 (1) Licensed audiologists.
- 37 (e) Audiology corporation.
  - 38 (1) Licensed speech-language pathologists.
- 39 (f) Nursing corporation.
  - 40 (1) Licensed physicians and surgeons.





- 1 (2) Licensed doctors of podiatric medicine.
- 2 (3) Licensed psychologists.
- 3 (4) Licensed optometrists.
- 4 (5) Licensed marriage, family, and child counselors.
- 5 (6) Licensed clinical social workers.
- 6 (7) Licensed physician assistants.
- 7 (8) Licensed chiropractors.
- 8 (g) Marriage, family, and child counseling
- 9 corporation.
- 10 (1) Licensed physicians and surgeons.
- 11 (2) Licensed psychologists.
- 12 (3) Licensed clinical social workers.
- 13 (4) Registered nurses.
- 14 (5) Licensed chiropractors.
- 15 (h) Licensed clinical social worker corporation.
- 16 (1) Licensed physicians and surgeons.
- 17 (2) Licensed psychologists.
- 18 (3) Licensed marriage, family, and child counselors.
- 19 (4) Registered nurses.
- 20 (5) Licensed chiropractors.
- 21 (i) Physician assistants corporation.
- 22 (1) Licensed physicians and surgeons.
- 23 (2) Registered nurses.
- 24 (j) Optometric corporation.
- 25 (1) Licensed physicians and surgeons.
- 26 (2) Licensed doctors of podiatric medicine.
- 27 (3) Licensed psychologists.
- 28 (4) Registered nurses.
- 29 (5) Licensed chiropractors.
- 30 (k) Chiropractic corporation.
- 31 (1) Licensed physicians and surgeons.
- 32 (2) Licensed doctors of podiatric medicine.
- 33 (3) Licensed psychologists.
- 34 (4) Registered nurses.
- 35 (5) Licensed optometrists.
- 36 (6) Licensed marriage, family, and child counselors.
- 37 (7) Licensed clinical social workers.
- 38 (l) Acupuncture corporation.
- 39 (1) Licensed physicians and surgeons.
- 40 (2) Licensed doctors of podiatric medicine.

- 1 (3) Licensed psychologists.
- 2 (4) Registered nurses.
- 3 (5) Licensed optometrists.
- 4 (6) Licensed marriage, family, and child counselors.
- 5 (7) Licensed clinical social workers.
- 6 (8) Licensed physician assistants.
- 7 (9) Licensed chiropractors.

